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Thursday, 13 February 2003, 3.30 p.m.

New York

President:	Mr. Pleuger	(Germany)
Members:	Angola	Mr. Gaspar Martins
	Bulgaria	Mr. Tafrov
	Cameroon	Mr. Belinga-Eboutou
	Chile	Mr. Valdés
	China	Mr. Zhang Yishan
	France	Mr. De La Sabliere
	Guinea	Mr. Cheick Ahmed Tidiane Camara
	Mexico	Mr. Aguilar Zinser
	Pakistan	Mr. Khalid
	Russian Federation	Mr. Konuzin
	Spain	Mrs. Menéndez
	Syrian Arab Republic	Mr. Mekdad
	United Kingdom of Great Britain and Northern Ireland	Mr. Harrison
	United States of America	Mr. Williamson

Agenda

The situation concerning the Democratic Republic of the Congo.

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03-24609 (E)

The meeting was called to order at 3.35 p.m.

Adoption of the agenda

The agenda was adopted.

The situation concerning the Democratic Republic of the Congo

The President: I should like to inform the Council that I have received letters from the representatives of the Democratic Republic of the Congo and Rwanda, in which they request to be invited to participate in the discussion of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite those representatives to participate in the discussion, without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Ileka (Democratic Republic of the Congo) took a seat at the Council table; Mr. Muvunyi (Rwanda) took the seat reserved for him at the side of the Council Chamber.

The President: In accordance with the understanding reached in the Council's prior consultations, and in the absence of objection, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mr. Jean-Marie Guéhenno, Under-Secretary-General for Peacekeeping Operations.

There being no objection, it is so decided.

I invite Mr. Guéhenno to take a seat at the Council table.

In accordance with the understanding reached in the Council's prior consultations, and in the absence of objection, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mr. Sergio Vieira de Mello, United Nations High Commissioner for Human Rights.

There being no objection, it is so decided

I invite Mr. Vieira de Mello to take a seat at the Council table.

The Security Council will now begin its consideration of the item on its agenda. The Security Council is meeting in accordance with the understanding reached in its prior consultations.

The Security Council will now hear a briefing by Mr. Jean-Marie Guéhenno, Under-Secretary-General for Peacekeeping Operations, to whom I give the floor.

Mr. Guéhenno (*spoke in French*): The last briefing to the Security Council on this item on 15 January 2003, focused on the situation in the north-east of the Democratic Republic of the Congo, in particular, on military and humanitarian questions.

The aim of today's briefing is to update Council members on the military situation in the north-east and on the initiatives undertaken by the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) and other actors to reach a peaceful settlement to this conflict which is ravaging that part of the Democratic Republic of the Congo. The United Nations High Commissioner for Human Rights, Mr. Sergio Vieira de Mello, will give a briefing on human rights in the region. A more complete briefing on the Democratic Republic of the Congo and on the activities of MONUC will be given to the Council on 26 February.

Allow me to take advantage of the opportunity offered by this briefing to say a few words about the activities of the Special Envoy of the Secretary-General, Mr. Niasse. In support of the efforts of the facilitator to convene the final session of the inter-Congolese dialogue, the Special Envoy of the Secretary-General, Mr. Niasse, together with South Africa, has convened two technical committees, which will meet from 20 to 25 February to discuss the issues still pending: essentially, finalizing the transitional constitution; and military and security questions. Mr. Niasse is convinced that the parties could now begin to discuss those issues and that the convening of the final session of the inter-Congolese dialogue should not depend on the prior settlement of those issues.

Mr. Niasse went to the Democratic Republic of the Congo from 4 to 10 February to consult with the Congolese parties and to prepare for those two meetings. The facilitator of the inter-Congolese dialogue, His Excellency Sir Ketumile Masire, is convinced that it would be very useful for the Security Council to encourage the parties to cooperate fully with Mr. Niasse so that agreement can be reached swiftly on

outstanding issues' so that the inter-Congolese dialogue can hold its final session as soon as possible.

(*spoke in English*)

I would now like to turn to the main object of this briefing: an update on the military situation. As members of the Council are aware, there has been continuous heavy fighting in and around the Ituri region since October, despite the signing of the all-inclusive agreement on 16 to 17 December. In December, the Mouvement de libération congolais (MLC) and its ally, the Rassemblement congolais pour la démocratie-mouvement de libération (RCD-ML), stepped up major offensive operations in the direction of Beni, North Kivu, against the forces of the RCD-K/ML, reportedly with the participation of some forces belonging to the Union de patriotes congolais (UPC), and they captured the town on 17 December. Thousands of people were displaced and suffered human rights abuses as a result of the fighting.

Subsequently, MONUC — with the strong support of the Security Council and of its five permanent members, plus the Belgian and South African ambassadors in Kinshasa — was able to conclude its efforts to broker a truce, which was signed on 30 December in Gbadalite. The truce provided for the withdrawal and disengagement of forces and access for humanitarian relief. The MLC withdrawal from the Mambasa-Komanda area commenced in earnest only on 6 January and, while behind schedule, was completed on 3 February. Subsequently, in a worrying development, the UPC — which was not a signatory to the Gbadalite agreement — took over Komanda. MONUC has placed a military observer team in Mambasa and, having carried out preliminary reconnaissance to Komanda, anticipates establishing a team there when suitable security conditions prevail.

The Special Representative and the Force Commander have both urged the UPC to withdraw from its newly acquired positions, but to no avail. Instead, UPC forces have continued their advance and have been seen as close as 25 kilometres east of Mambasa. It is reported that, on the road between Bunia and Komanda, UPC forces have established 14 checkpoints, at which soldiers demand money from each person who passes through. It also appears that the UPC has significantly reinforced its military capacity in recent months, including through the recruitment of child soldiers and the acquisition of military equipment.

MONUC is deeply concerned about the claims of the UPC leader, Thomas Lubanga, that he had the sole legitimate right to control the entire Ituri region. His actions in support of those claims would inevitably bring his forces into conflict with those of the RCD-K/ML. As Council members may be aware, the UPC is now aligned with the RCD-Goma. It has been alleged that Rwanda also backs the UPC. The RCD-K/ML is, on the other hand, being supported by a sizeable number of FAC troops, possibly up to a battalion, recently deployed in Beni.

In addition, at a press conference in Kampala on 12 February, a prominent Ituri leader, Chief Kawa, announced the formation of a new Hema-Lendu grouping, the Front pour l'integration et la paix, opposed to the UPC — and called for the retention of Ugandan forces in Ituri. Hence, any further conflict in the area has major regional implications beyond the immediate environs.

Meanwhile, at the southern end of the territory controlled by the RCD-K/ML, the RCD-Goma has probed north of Kenabayunga, about 50 kilometres from the border between the Democratic Republic of the Congo and Uganda, most likely in the context of a standing aspiration to see Kenabayunga as part of RCD-Goma territory. An attack on the RCD-K/ML — with its implications in Uganda's eyes for RCD-Goma and a Rwandan presence close to Uganda's border with Ituri — or conflict arising from the increasing tensions between forces of the UPC and of the Uganda People's Defence Forces (UPDF) in Ituri itself, could trigger a UPDF military response.

I turn now to the political aspects of the situation in the north-east. It should be emphasized that the situation in that part of the Democratic Republic of the Congo is now — even more so — one of growing concern. The importance of a political solution to underpin any military disengagement and ceasefire is key. MONUC has been working hard in the past weeks to defuse tensions and to recommend peace-building mechanisms. The Special Representative has met with President Museveni in Kampala, with Foreign Minister Miranda in Rwanda and with Special Envoy Mazimhaka in Kigali. The Force Commander is now in Bunia, urging restraint in what has evolved into not only a dangerous situation for Ituri-based groups, but

also what may prove to be a new possible flashpoint between Uganda and Rwanda. In that context, President Museveni told the Special Representative of the Secretary-General in Kampala that he will not tolerate the intransigence of the UPC.

While MONUC has continued to meet political players in Bunia to organize a local-level ceasefire leading up to a convening of the Ituri Pacification Committee (IPC), as stipulated in the Luanda Agreement, President Dos Santos of Angola sent his Special Envoy to Dar es Salaam on 9 February for a two-day meeting with Presidents Kabila and Museveni. UPC leader Lubanga also travelled to Dar es Salaam and met separately with President Museveni.

At the meeting between Presidents Kabila and Museveni, the Foreign Ministers of Uganda and of the Democratic Republic of the Congo signed an amendment to the Luanda accord allowing for a new timetable for the work of the envisaged Ituri Pacification Committee. Under the new timetable, the preparatory committee for the IPC — composed of two representatives each from the Government of the Democratic Republic of the Congo, the Government of Uganda and MONUC, and four representatives from the parties represented on the ground in Ituri — is expected to commence its work on 17 February and to conclude it by 20 March. That will be followed or accompanied by the total withdrawal of Ugandan troops from the Democratic Republic of the Congo. It is expected that a ministerial-level meeting will be held in Luanda on 14 February to set up the modalities of implementation of the Ituri Pacification Committee. MONUC is continuing its efforts to bring together a wide cross-section of local parties in Ituri to support the process.

I shall now touch briefly on the human rights situation, which the High Commissioner for Human Rights will describe in more detail. Council members will recall that preliminary findings of the MONUC multidisciplinary team, which was sent to the Beni area to investigate allegations that serious human rights violations had occurred in Mambasa town, were presented to them during my briefing on 15 January. The team worked closely with the Office of the High Commissioner for Human Rights in facilitating and aiding the latter's investigation into the events that had taken place during the MLC-RCD-N offensive in the north-east. More details have subsequently been shared with the Office of the High Commissioner for inclusion in the High Commissioner's report.

Looking ahead, let me conclude my briefing with some thoughts for the Council's deliberations on MONUC's future role in the area of human rights, especially in the light of the all-inclusive agreement of 16 to 17 December. In that context, we recognize the leading role played by the Office of the High Commissioner for Human Rights in the Democratic Republic of the Congo, and we wish to support his efforts as closely and with as much vigour as possible. Ultimately, if there is no end to the present culture of impunity in the Democratic Republic of the Congo, the progress we seek on the political front may be hard to achieve. The Council may wish to consider how to ensure that more attention be paid to human rights in the Democratic Republic of the Congo. The Department for Peacekeeping Operations and MONUC, which has a human rights component, will, in coordination with the Office of the High Commissioner for Human Rights, strive towards that end.

The President: The Security Council will now hear a briefing by Mr. Sergio Vieira de Mello, United Nations High Commissioner for Human Rights, on whom I call.

Mr. Vieira de Mello *(Spoke in French)*: The briefing that I am presenting today complements that just provided by Mr. Jean-Marie Guéhenno and responds to a press statement by the President of the Security Council dated 15 January 2003 (press release SC/7634), in which Council members condemned in the strongest terms the massacres and systematic violations of human rights perpetrated in the Ituri area. That very same day I was completing my own mission in the Democratic Republic of the Congo, and I asked my office in the Democratic Republic of the Congo and colleagues in the human rights section of the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) to ensure immediate follow-up of the Council's request, through continued observation of the situation in that region of the Democratic Republic of the Congo.

Beyond the brief comments that I will be making on the human rights situation in the Democratic Republic of the Congo, my Office has also prepared a more detailed report on the matter, and I will be pleased to share it with members if they so wish.

In general, the Government and other parties to the conflict continue to commit grave violations of human rights. This is alarming, and as my colleague just said, could be a threat to the peace process, which remains fragile. The Government and the leaders of rebel groups, have admitted that there are massive violations of human rights. Nonetheless, the impunity with which these grave violations are committed, in particular by high officials of the Government army and commanders of the various rebel forces, represent a major obstacle to promoting human rights and lasting peace in the Democratic Republic of the Congo.

The humanitarian situation, which is already very difficult, is deteriorating further because of the many obstacles to access by humanitarian workers to impoverished populations, many of whose members have been forced to flee their villages and seek refuge in inhospitable forests in the eastern part of the country. As members know, those regions are under the control of rebel groups. The warring parties are not allowing humanitarian organizations to enter the areas under their control. It is therefore vital to facilitate access and to provide the assistance that humanitarian workers provide to the populations displaced by the conflict.

The economic interests which are at the root of the continued plundering of natural resources and of State revenues remain a factor of destabilization and are contributing to conditions of anarchy and grave violations of human rights in the eastern part of the country. The rapid deterioration of the economy, exacerbated by the continuation of the conflict, is another real concern. The sharp reduction in household income has lead to widespread corruption within the judicial system, the armed forces and the police, and among teachers, heads of schools and members of medical services, making the public administration as a whole ineffective, as I have been told by the President of the Republic, Mr. Joseph Kabila, himself.

As members are aware, at the end of last year MONUC dispatched a team to the Beni region to conduct an inquiry into allegations of serious violations of human rights — summary executions, rape, torture, forced disappearances — reported to have been committed in Mambasa and in villages between Mambasa and Mangina and between Mambasa and Erengeti. The team confirmed the use of plundering, murder and rape as premeditated instruments of war by the forces of the Mouvement de libération du Congo (MLC) and the Rassemblement congolais pour la démocratie-national (RCD-N) in October 2002 and during recent clashes in December 2002 with the support of soldiers of the Union des patriotes congolais (UPC). The Nandé ethnic group were targeted for summary execution as well as certain pygmies who were forced to flee into the forest for the first time, accused of collaboration with the RCD-Kisangani/Mouvement de Libération (RCD-K/ML).

Victims and witnesses have described many cases of mutilation followed by acts of cannibalism. The special MONUC investigation team interviewed more than 500 persons who had fled to Beni, Butembo, Mangina, Oicha and Eringeti. The most shocking violations of human rights described in that testimony include 220 arbitrary executions, 95 cases of rape, 122 cases of forced disappearance, 102 unaccounted-for family members including children, 32 cases of torture and abuse and more than 100 cases of kidnapping for forced labour.

(*spoke in English*)

The systematic looting of all buildings, including hospitals, churches and individual homes, was also confirmed during the visit of the team to Mambasa and Mandima and to me, during my visit to Kisangani, where I met with representatives from different parts of the eastern Democratic Republic of the Congo.

The planned military operation carried out by forces of the MLC was called in code "Effacer le tableau". My written report provides more details on this. The MLC leader has admitted to the veracity of the charges and promised to prosecute those suspected of having committed these crimes. According to reports, 27 officers have been arrested, and their trial is scheduled to take place starting on 18 February 2003. While welcoming the fact that there is at least acknowledgement of responsibility, which is fairly unusual in this kind of situation, I have not agreed to a request that my office in Kinshasa observe these trials, as the rebel military judicial system lacks legitimacy and does not conform to international legal and human rights standards, as far as we can tell. In my opinion, such crimes should fall within the jurisdiction of the transitional justice mechanism that will be put in place in accordance with the Pretoria Agreement of 16-17 December 2002.

The crisis around Beni/Mambasa, apart from these horrendous and systematic atrocities, has led to

the displacement of well over 100,000 people. In early January 2003, in close partnership with non-governmental organizations (NGOs), the Office for the Coordination of Humanitarian Affairs, the World Food Programme and MONUC participated in humanitarian assessment missions to the area. By mid-January, many of the displaced had begun to return towards Mambasa and Eringeti, but large numbers had dispersed into the forest where access is difficult, if not impossible. Food insecurity was a predominant concern. The assessment of humanitarian teams was that if the security situation did not improve, displaced persons would be unable to tend their crops, and longer-term food availability could be even more difficult and could have tragic consequences for those people.

A recent mission to Bunia confirmed gross violations of human rights, including group rapes of women, extrajudicial executions and the looting and burning of homes. In Nyakunde, well over 2,000 killings were reported, and the population has again fled into the forest. Similar atrocities have been reported in Kindu, and group rapes appear to have been frequently carried out in the Kivus.

In the areas controlled by the UPC since August 2002, the human rights situation has also deteriorated significantly. Information gathered reveals that persecution on ethnic and tribal grounds, extortion of property, rape and other forms of sexual violence against women, extrajudicial executions and the forced recruitment of children are being committed by military personnel of the Union des patriotes congolais-reconciliation et paix (UPC-RP). This situation has caused thousands of civilians again to flee south from Bunia to Irumu, Mambasa and Beni, thereby increasing the number of internally displaced persons in that region. Following the December 2002 events in Mambasa, these internally displaced persons had to flee southwards for a second time towards the towns of Eringeti and Oicha in the Beni region. Mass graves have also been identified in several places in Bunia.

The past months in the district of Ituri have also been marked by massive human rights violations. In the Bunia area, manhunts and reprisals on ethnic grounds continue to be reported. It is alleged that the UPC-RP is fuelling this crisis. It should be noted that, as pointed out by Jean-Marie Guéhenno, the UCP-RP did not participate in the inter-Congolese dialogue, which took place in Sun City.

In conclusion, my overarching and pressing recommendation to the Security Council is that there is an imperative need to continue to monitor closely and report on the human rights situation in the Democratic Republic of the Congo because of the implications the situation is having and, if unchecked, will continue to have on efforts to restore peace and security in the country.

The Council may wish to demand again that the belligerents and their foreign supporters put an immediate end to human rights violations and to the culture of impunity, and that those responsible for such crimes, including those who continue to exercise military command functions, be immediately arrested and eventually brought to justice. Likewise, I expect that the Commission on Human Rights, through its Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo, will continue to monitor the situation closely. The Special Rapporteur will shortly be visiting the Democratic Republic of the Congo before reporting to the Commission at its upcoming fifty-ninth session.

In my written report, I have named three senior officers of the RCD-Goma who are alleged to have been involved in the 14 May 2002 massacres and who have not been brought to trial. Indeed, two of them have since been promoted, and I have raised this with senior RCD-Goma leaders who met with me in Kisangani last January. As regards the MLC military officers involved in the crimes referred to earlier, their names should be obtainable as their leader has reportedly placed them under arrest. I also named the commander of the Government forces allegedly involved in human rights violations during the incident which took place in Ankoro in the province of Katanga on 10 and 11 November 2002, as well as leaders of rebel groups who should be held responsible for gross violations which have been committed by officers and men under their control. Efforts must be made to prevent their integration into the Pretoria Agreement transitional mechanisms until their names have been cleared through a credible judicial process or enquiry.

The Council might also wish to ensure that the Pretoria peace process is based on solid human rights grounds and that, concurrently, effective judicial and national human rights protection systems are created or strengthened in the Democratic Republic of the Congo so as to assure the success and sustainability of that process. In this regard, consideration should perhaps be

given to the establishment of an international commission of enquiry to look into all serious human rights violations committed by all sides. It is critical for the future peace of the Democratic Republic of the Congo that those responsible for these acts be held accountable.

I would urge the Council, finally, to call for the effective implementation of the sections of the Pretoria Agreement calling for a national observatory on human rights and a truth and reconciliation commission, not least in order to ensure that the voices of the victims are fully and loudly heard.

To conclude, my Office stands ready, as is the Department of Peacekeeping Operations, to continue to assist — needless to say, in close partnership with MONUC — in strengthening our monitoring and reporting capacity in the Democratic Republic of the Congo, as well as in expanding its support and activities during the transitional process in those areas with a human rights dimension. Perhaps all of them have such a dimension, and a clear mandate from the Security Council would undoubtedly strengthen my officers' and MONUC's ability to play fully their role in bringing about, in a Democratic Republic of the Congo which is at peace, democratic institutions that are solidly grounded in the rule of law, accountability and human rights for all.

Mr. Khalid (Pakistan): We are grateful to Under-Secretary-General Guéhenno and the High Commissioner for Human Rights, Mr. Sergio Vieira de Mello, for their briefings on the horrendous events in the Democratic Republic of the Congo. We condemn all abuses of human rights which have been perpetrated in the Democratic Republic of the Congo. The crimes mentioned today are, indeed, unacceptable. The perpetrators of these crimes must be brought to justice.

The irony is that such reports of fighting and atrocities are coincidental with good news about the political process, including the recent summit between the leaders of the Democratic Republic of the Congo and Uganda, and with progress in the formation of a transitional national Government. There is thus a disconnect between the success of the political process and the deterioration in the situation on the ground.

To date, over 2.5 million people have died in the conflict in the Democratic Republic of the Congo. Many more will die as long as the fighting persists. Civilians have been both the direct and the indirect victims of this conflict. In spite of agreements and even progress in the implementation of those agreements, the situation on the ground remains one of serious concern. It is also a matter of serious concern that the continuing fighting will destabilize the situation and dangerously undermine the peace process. In our view, the time has come for the international community to take stock of the situation and to take bold decisions.

We would like here to raise some questions, which are directed to Mr. Vieira de Mello as well as to the members of the Council.

What we need is a commitment from all sides to guarantee the safety and well-being of civilians in the Democratic Republic of the Congo and to ensure that such atrocities are not repeated. How can we secure this objective? What efforts can the international community and the regional actors undertake to make all the parties refrain from violence and to urge them instead to seek a negotiated solution to their outstanding problems? As part of these efforts, could the Security Council possibly consider the further strengthening of the United Nations Organization Mission in the Democratic Republic of the Congo beyond the present phase III expansion and, at the same time, make its mandate and presence more robust?

Mr. De La Sablière (France) (*spoke in French*): I thank Mr. Vieira de Mello for his visit to the Democratic Republic of the Congo from 12 to 15 January and for having come here to present us with his conclusions. I also thank Mr. Guéhenno for his briefing.

The information conveyed to us by Mr. Vieira de Mello is extremely disturbing, in particular as regards the situation in the eastern part of the country. It is certainly dire with respect to the governmental sector. The death sentences are unacceptable, as the High Commissioner has already told the Kinshasa authorities. The European Union has taken steps in that regard. The atrocities committed in the East — in Kivu and now in Ituri, as just described to us — are of a gravity rarely achieved.

France supports all of Mr. Vieira de Mello's comments. The fighting and abuses are unacceptable, all the more so since the Pretoria Agreement now offers political prospects. The culture of impunity must not be entrenched. In echoing the principal messages from the High Commissioner for Human Rights,

France, together with its partners on the Security Council, will be preparing a presidential statement in the days to come.

It seems necessary in particular to condemn the atrocities that have been committed and to call upon the parties to identify without delay those who are responsible and bring them to justice. It will also be necessary to send an unambiguous message to the parties to the effect that by the end of the month they must have arrived at solid decisions of principle with regard to the constitution and to ensuring that the transition takes place in a climate of security. If that does not happen, the hopes that arose as a result of the Pretoria Agreement will be dashed.

In conclusion, I wish to put a question to Mr. Vieira de Mello. We note with satisfaction that the Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo, Ms. Motoc, will be travelling to that country at the end of the month. We would like to know whether she will be giving priority to the east of the country, which would seem desirable. Furthermore, will other special rapporteurs — for example, Ms. Jahangir, the Special Rapporteur on extrajudicial, summary or arbitrary executions — be going to the Democratic Republic of the Congo again?

Mr. Konuzin (Russian Federation) (*spoke in Russian*): We would like first of all to thank the Under-Secretary-General, Mr. Jean-Marie Guéhenno, and the High Commissioner for Human Rights, Mr. Sergio Vieira de Mello, for their detailed briefings.

The situation in the Democratic Republic of the Congo continues to be a source of serious concern. After the seeming success of the conclusion of the agreement on the cessation of hostilities between the parties involved in the conflict and between the States of the region with regard to the withdrawal of troops and the development of confidence-building measures, armed clashes have again broken out in the east and north-east of the country.

Unfortunately, we are obliged to note that the inter-Congolese dialogue has bogged down. The agreements reached on the basic composition of the transitional Government, the national assembly and the prerogatives of the Vice-Presidents do of course inspire a certain optimism. However, it is clear that not all the parties that signed the Agreement are satisfied with the roles given to them in the new Government. Some of them are continuing to put forward demands that are clearly excessive, reinforcing them by force of arms. Nor is optimism inspired by the continuing rumours that in the conditions of the political and military destabilization in the Democratic Republic of the Congo, certain non-Congolese gamblers are trying to strengthen their influence with the groups that they support and to gain an advantage for themselves, which in turn threatens unpredictable consequences. Such a situation would, of course, lead to an acute deterioration in the already catastrophic humanitarian situation, accompanied by mass human rights violations.

In this connection, we would like to recall that almost all Security Council resolutions and presidential statements on the Democratic Republic of the Congo contain paragraphs obliging the hostile parties to provide every assistance to international humanitarian and legal defence organizations. However, as we are increasingly convinced, the situation remains very worrying, above all because the parties participating in the conflict are continuing to place various obstacles in the way of ensuring the normal functioning of international organizations. Such a state of affairs must be brought to an end.

Mr. Williamson (United States of America): I would like to thank the Under-Secretary-General for Peacekeeping Operations, Jean-Marie Guéhenno, for his briefing.

The ongoing violence and tensions in Ituri are reasons for grave concern. The dangerous and violent situation in the east and north-eastern part of the Democratic Republic of the Congo is a threat to the fragile peace process. The promise of political progress in recent months unfortunately has not been fully translated into reality on the ground. The United States appreciates the good work of the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) and the continuing attention of Under-Secretary-General Guéhenno to the Democratic Republic of the Congo.

I would also like to thank the High Commissioner for Human Rights, Mr. Sergio Vieira de Mello, for his briefing. What we have heard today about the catastrophic human rights situation in the Democratic Republic of Congo, and the atrocities committed by various armed factions, tragically reaffirms that we must keep human rights at the centre of our efforts to

foster a lasting peace and a new transitional Government in the Democratic Republic of the Congo.

In its statements and resolutions, the Security Council has repeatedly pressed the Congolese parties and foreign Governments involved in the conflict to respect international human rights norms and the relevant provisions of international humanitarian law. The United States Government has affirmed those statements in bilateral messages to the parties.

But there are no quick answers. It is too easy for individuals in the Government of the Democratic Republic of the Congo to evade personal responsibility when Government institutions themselves are corrupt and dismissive of human rights concerns. Leaders of the armed groups and Congolese military can too easily blame the fog of war for the atrocities that do come to light.

The Security Council must work to ensure that the Congolese parties make human rights protections a priority as they build a new transitional Government. Equally important, the Council must work to ensure that the implementation of peace agreements is not bought at the price of letting those responsible for atrocities — such as those in Kisangani, Kindu and Ituri province last year — escape real justice.

To help the Congolese parties as they create a new Government structure for the Democratic Republic of the Congo, my delegation would welcome the thoughts of the High Commissioner on Human Rights on how the international community and the High Commissioner's Office can assist the Congolese parties to build stronger human rights institutions as part of a future transitional Government. Has the High Commissioner's office in Kinshasa been asked to provide technical advice to the parties as they form new Government institutions?

Related to these questions is the issue of whether there are measurable benchmarks the Security Council and the international community can reasonably expect from a new transitional Government in the Democratic Republic of the Congo. Are there specific institutions to be created or governmental actions taken that the Council should expect to see from a transitional Government that wants the Security Council's blessing and active support?

The view of the United States delegation is that MONUC's human rights office is effectively carrying out its monitoring and reporting functions. My delegation would welcome the High Commissioner's thoughts on how effective MONUC's human rights office has been up to now. Should MONUC have a more proactive role on human rights issues? What role should MONUC have, for example, in working with the parties to a transitional Government on human rights issues?

The United States delegation listened with shock and revulsion to the High Commissioner's comments on the atrocities committed in Ituri province last fall by troops of the Mouvement national de libération du Congo (MLC) and its ally, the Rassemblement congolais pour la democratie (RDC) — National — shock at the continuing suffering inflicted on the people of the Congo by those who claim to want to protect the country, and revulsion that members of an armed faction which intends to take power in a future Government could engage in such acts of torture, rape, killing and cannibalism.

The United States Government and the Security Council condemned those atrocities. The Council has held Jean-Pierre Bemba, as the head of the MLC, personally responsible for taking action against those who carried out those horrific acts. There can be no impunity.

The United States Government will follow closely the trials that Mr. Bemba has promised to hold of those he has alleged are responsible for these atrocities. Anything less than a full, transparent legal proceeding that leads to serious consequences for those responsible will call into question Mr. Bemba's commitment to upholding human rights and will make it difficult for the United States Government to work with him in a future Government of the Democratic Republic of the Congo.

We would welcome the High Commissioner's views on ways in which his Office can work with MONUC to ensure that the trials conducted by Mr. Bemba are thorough and fair. We are disappointed to learn that the High Commissioner for Human Rights does not intend to have his Office monitor or attend the trials. Is there any technical assistance that MONUC and/or the High Commissioner's Office could provide? Are there steps that the international community and the Security Council can take?

We are also deeply concerned about the lack of follow-up by the Rassemblement congolais pour la

démocratie (RCD)-Goma to the mass killings in Kisangani last May. After then High Commissioner Mary Robinson reported to the Security Council last summer, the Security Council condemned those responsible and demanded that RCD-Goma take measures to bring the perpetrators to justice. The Commission on Human Rights adopted its own resolution requesting the Special Rapporteur on the Democratic Republic of the Congo and the Special Rapporteur on extrajudicial, summary or arbitrary executions to carry out a joint mission to the Democratic Republic of the Congo. The High Commissioner's Office was asked to provide technical expertise to the mission. RCD-Goma representatives have stated that they are solely responsible for arresting and bringing to trial fellow members who took part in the killings in Kisangani. But the United States Government has seen no further action from RCD-Goma. That is unacceptable behaviour from an entity that wants to be part of a future Government of the Democratic Republic of the Congo.

The United States would appreciate any information the High Commissioner could provide on follow-up actions by RCD-Goma and on the status of any investigations by the Special Rapporteur on extrajudicial executions.

Responsibility for investigating these crimes and violations of international humanitarian law lies with the leadership of the factions responsible, just as the responsibility for guaranteeing the human rights of the Congolese people lies now with the political and military leaders claiming a role in a new Government of the Democratic Republic of the Congo. We must remain vigilant that none of them evade their responsibility. That is critical if transitional justice is to be achieved, and transitional justice in turn is necessary for building a new, sustainable, peaceful society in the Democratic Republic of the Congo.

The United States can support the elements of a press statement as outlined by the High Commissioner for Human Rights. The Security Council must lend its voice and its support to the human rights standards we embrace. It must not allow an environment of impunity to continue, and it must support the High Commissioner for Human Rights and MONUC in their efforts to change this devastating situation.

Mr. Thomson (United Kingdom): We thank Mr. Guéhenno for his briefing, which made clear, first, that the parties are continuing down the military path and, secondly, that there are severe human rights abuses associated with that. We are also most grateful to Mr. Vieira de Mello for his briefing, which provided the Council with useful additional perspectives on the situation in the Democratic Republic of the Congo, which is complex. We find it very helpful indeed that when the Council addresses complex country situations we can hear from the full spectrum of United Nations expertise and can draw on its advice in reaching Council decisions.

Like others, we condemn the atrocities carried out in Ituri, along with all other abuses of human rights and international humanitarian law throughout the Democratic Republic of the Congo. And, like other speakers, we call on the parties to investigate all such abuses and bring the perpetrators to justice. We shall need to continue to focus on the cases mentioned by the High Commissioner for Human Rights.

We must condemn the failure by the parties to give up the military path. The peaceful political way forward is already clear. Continuing military activities and the provision of military support from inside or outside the country are totally unacceptable. It is time for all parties to start meeting their responsibilities towards the people of the Democratic Republic of the Congo. That means halting all military activity, certainly; moving ahead with implementation of the Pretoria global accord, certainly; but also protecting the human rights, security and well-being of all those in the areas under their control. We think that it must be by those standards and not by military strength that the international community — and not just the Congolese people — will judge the claims of those looking to play a role in the future Government of the Democratic Republic of the Congo.

I would like to recall the Council's continuing focus on the protection of civilians — not least, women and children — in armed conflict. Work must begin now on breaking down mistrust and building the foundations of a unified Democratic Republic of the Congo. And the first step must be reaching agreement on the three issues outstanding from Pretoria, especially the issue of security for the transitional administration.

As Mr. Guéhenno said, any conflict in this area has major regional implications, so regional players too must exert their influence on the Congolese parties to

move forward, and they themselves must refrain from any action that could increase tension. That is crucial. We therefore welcome President Museveni's announcement that forces of the Uganda People's Defence Force (UPDF) will be withdrawn from the Democratic Republic of the Congo by 20 March, and we urge the Government of Uganda to carry out that commitment. We also urge the Government of the Democratic Republic of the Congo to remove its forces from Ituri, and the Government of Rwanda to stop arming the Union des patriotes congolais (UPC). The United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) should be prepared to provide increased security in Ituri through a strong military observer presence.

The verification role that MONUC performs and the third-party verification mechanism are also crucial. In particular, investigation of allegations must be as thorough, factual and even-handed as possible. That requires the full and immediate cooperation of all the parties.

We have two questions relating to human rights, and I hope that they complement rather than repeat questions put forward by others. As both Mr. Guéhenno's and Mr. Vieira de Mello's briefings made clear, human rights is an area where effective interaction between the civil and the military sides of MONUC is essential, especially given access problems in some of the worst-affected areas. We would be grateful for views on how this is working and on whether it could be strengthened.

My second question relates to the issue of child soldiers, where it is important that we translate the Council's thematic discussions into practical action in specific cases. Early disarmament, demobilization and rehabilitation of all child soldiers must be a priority. We would be grateful to know how this is being integrated into MONUC's activities with respect to disarmament, demobilization, reintegration and repatriation or resettlement.

In conclusion, we would agree with Mr. Guéhenno and Mr. Vieira de Mello that the Council needs to consider further how human rights can be fully respected in the Democratic Republic of the Congo.

Mr. Valdés (Chile) *(spoke in Spanish):* I would like first of all to thank Mr. Jean-Marie Guéhenno, Under-Secretary-General for Peacekeeping Operations, and High Commissioner Sergio Vieira de Mello for their detailed briefings on the human rights situation in the Democratic Republic of the Congo.

My delegation wishes first of all to express its concern at the human rights situation in that country, in particular at the atrocious violations of human rights committed in January in the region of Ituri, where grave crimes were perpetrated against the civilian population, including summary executions, mass rape, mutilation, even acts of cannibalism. My country is awaiting with interest the publication of the report of the group of experts that the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) has sent to the eastern part of the country to corroborate these serious reports of massive violations of human rights.

It is extremely grave to see that at the beginning of this century we can witness such examples of inhumanity and cruelty. We forcefully condemn the systematic violations of human rights committed by the Mouvement de libération du Congo and the Rassemblement congolais pour la démocratie in the region mentioned.

Of equal concern to my delegation is the confirmation in the report of the Secretary-General of the participation of children in armed conflict and of the continued use and recruitment of children by the different factions in the conflict in the Democratic Republic of the Congo. We want to take this opportunity to thank MONUC for its devoted work, especially the work of the unit for the protection of children, in the investigation and condemnation of violations of their human rights.

We wish fully to support all the conclusions put forward by Mr. Vieira de Mello. It seems to us that it is the obligation of the Council to support the idea of an international commission to investigate allegations of human rights violations by all the parties. We also think it is vital to implement the provision of the Pretoria Agreement for a national observatory for human rights and a commission of truth and reconciliation that would make it possible to hear the victims.

We agree that the most effective way of confronting a situation such as the one described is to strengthen the institutions, to give greater legitimacy to the Government authorities, to detain and condemn those who are guilty of violations of human rights and,

as the High Commissioner says, to increase international control over the human rights situation within the country.

The High Commissioner can rest assured of the constant support of the Chilean delegation in the continuation of his important work to protect human rights in that country.

Mr. Tafrov (Bulgaria) *(spoke in French)*: I also wish to thank the Under-Secretary-General, Mr. Jean-Marie Guéhenno, for his briefing on the military situation. As usual, his briefing was very complete and very useful. We also thank the High Commissioner for Human Rights, Mr. Sergio Vieiro de Mello, for his briefing, particularly following his courageous visit to Kisangani, in the Congo.

What we have just heard strengthens my conviction that following the Pretoria agreements the different Congolese groupings and their foreign protectors are seeking to better position themselves before the entry into force of the final agreements and the establishment of the transitional authority. As we know full well from other conflicts, this period of instability is, unfortunately, most conducive to massive abuses of human rights. The report we just had from the High Commissioner of Human Rights is of grave concern, and it confirms these facts. It seems that the level of atrocities committed in the eastern part of the Congo has become completely untenable, and it is important that the Council give further consideration to this reality. From this standpoint it seems to me extremely useful for the Council to give greater attention to this aspect of the Congolese situation, and that it strengthen its cooperation with the High Commissioner for Human Rights.

Mr. Guéhenno said a few minutes ago, and I agree with him, that the future of the Congo cannot be based on a culture of impunity. This would be morally unacceptable, but in addition it could in no way contribute to the establishment of stable institutions and to national reconciliation. From this standpoint it seems to me that the ideas expressed by the High Commissioner regarding the establishment of a human rights observatory in the Congo and of an international commission to investigate the crimes committed are very timely. It is important that the Council give its complete support to these ideas.

With regard to the immediate situation, it is important that those who are guilty of barbaric acts be brought without delay before the institutions of justice in the transitional authority being established. They alone can deal with these crimes and have international legitimacy recognized by the Security Council.

In conclusion, I would also like to say that Bulgaria supports the wish expressed by the High Commissioner that a clear mandate be given by the Security Council to his Office to strengthen his capabilities, and those of MONUC, in order to improve the human rights situation in the Democratic Republic of the Congo. In this regard, I have a question for the High Commissioner: what might the nature of that mandate be? What form could it take? In his opinion, what is the timing of its entry into force; how soon should that be?

Mr. Gaspar Martins (Angola): I would also like to join those who have expressed satisfaction for the very comprehensive briefings presented this afternoon by the Under-Secretary-General for Peacekeeping Operations, Mr. Jean-Marie Guéhenno, and by the High Commissioner for Human Rights, Mr. Sergio Vieira de Mello.

These briefings present a situation that we and the Council find very serious indeed, particularly with regard to the human rights violations and the atrocities which are so well documented, as a result of the missions to the eastern part of the Congo.

These violations are a clear impediment to peace in the Democratic Republic of the Congo. For that reason, I think that the proposals contained in Mr. Vieira de Mello's report deserve our clear support. It is our view that they should be looked at very seriously for implementation by the Council. The perpetrators have to be held to account for their crimes and be brought to justice. The situation in the Democratic Republic of the Congo will continue to deteriorate unless we see a clear movement towards the holding of the session of the inter-Congolese dialogue and implementation of the Pretoria Agreement. In that connection, we also commend the work that has been carried out by the facilitator to enable this dialogue to be pursued. It is our view that the Council will have to send a very clear signal to the belligerents in the Democratic Republic of the Congo of our support with respect to the rapid implementation of the agreements signed for the cessation of hostilities.

Finally, we commend the United Nations Organization Mission in the Democratic Republic of

the Congo (MONUC) for the work that it has been doing. My Government is a key participant. We have taken steps to reinforce peace in the Democratic Republic of the Congo, and we will continue to do so. We will continue to play our role by providing our full support for the implementation of signed agreements because it is only when we move to the implementation of agreements that we will see a transformation and a clear change in the situation which has been presented to the Council this afternoon.

Mr. Zhang Yishan (China) (*spoke in Chinese*): I would like to begin by thanking Under-Secretary-General Guéhenno and the United Nations High Commissioner for Human Rights, Mr. Vieira de Mello, for their briefings. Their briefings on the security and humanitarian situation in the Democratic Republic of the Congo were very specific and informative and were most helpful to the Council in monitoring the situation in that country.

Developments in the Democratic Republic of the Congo, on the whole, are encouraging. At the same time, we should note that the current situation is still very fragile. The power-sharing agreement was signed some time ago, but the parties concerned have yet to reach consensus on some outstanding issues. A ceasefire has not been achieved in the east. And in defiance of the demands of the international community, armed groups continue to engage in military conflict, causing grave humanitarian disasters and massive violations of human rights, as well as heavy losses of human lives and property.

China calls on all parties in the Democratic Republic of the Congo to strictly comply with the power-sharing agreement so that a transitional Government can be established at an early date. We strongly condemn acts of indiscriminate killing and call on the parties concerned to cease all military action in the north-east parts of the country and to strictly implement the ceasefire agreement. As well, they should adopt all possible measures to ensure the safety and security of civilians.

It is our hope that the countries concerned will abide by their commitment to carry out troop withdrawals and will refrain from returning to the Democratic Republic of the Congo under any pretext.

Given the current circumstances, it is our view that the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) should step up its phase III deployment in order to stabilize the situation, to consolidate the results of the peace efforts and especially to complete the programme of disarmament, demobilization and reintegration.

I would like to inform the Council that the Chinese peacekeepers for the Democratic Republic of the Congo have completed their preparations and await orders for deployment. As always, China will support the peace process in the Democratic Republic of the Congo and will support the United Nations in its peacekeeping efforts. We will continue to make our contribution towards that goal.

Mr. Pujalte (Mexico) (*spoke in Spanish*): Like other delegations, my delegation thanks the Under-Secretary-General for Peacekeeping Operations, Mr. Guéhenno, and the United Nations High Commissioner for Human Rights, Mr. Vieira de Mello, for their briefings today.

The Mexican delegation profoundly regrets the confirmation that members of the Mouvement de liberation congolais (MLC) have committed war crimes and violations of human rights in eastern Democratic Republic of the Congo. Particularly disturbing are the reports of kidnappings, the rape of women and children, summary executions and acts of cannibalism.

In order to help improve the human rights situation, the Pretoria Peace Agreement for the establishment of a transitional Government must be implemented. As well, the commitments undertaken by the parties involved in the conflict must be fulfilled, especially, as Mr. Vieira de Mello indicated, the establishment of a national observatory for human rights and of a truth and reconciliation commission that could gather testimony from those persons who have been affected so that justice can be done and the guilty brought to justice.

The Security Council must demand that the parties to the conflict respect human rights and punish the guilty. In that regard, we also support sending a fact-finding commission to help determine where the responsibilities lie.

Finally, we call on Mr. Jean-Pierre Bemba, the leader of the MLC, to take the necessary measures to make compensation for the damages done by members of his group and to bring to justice those guilty of those crimes. For that purpose, there is a need for objective,

impartial tribunals in which the international community has confidence.

Mr. Mekdad (Syrian Arab Republic) (*spoke in Arabic*): The delegation of the Syrian Arab Republic welcomes the convening of this meeting to discuss the humanitarian situation in the Democratic Republic of the Congo. It is our pleasure to thank Mr. Guéhenno for his comprehensive and exhaustive briefing on the situation in the Democratic Republic of the Congo and on the role of the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC).

We also welcome Mr. Sergio Vieira de Mello, the United Nations High Commissioner for Human Rights. Our delegation appreciates the efforts of the High Commissioner during his recent visit to the Democratic Republic of the Congo. We thank him for his exhaustive information, which underlines the fragile situation of human rights and the fact that some parties have committed flagrant violations in many parts of the Congo, particularly in Ituri.

The delegation of the Syrian Arab Republic stresses the importance of respect by the various Congolese parties for the Pretoria and Luanda Agreements concluded between the Democratic Republic of the Congo, Rwanda and Uganda.

Our delegation calls on all parties to respect human rights, to bring the perpetrators of those violations to justice and to end the culture of impunity. The delegation of Syria also stresses the importance of proceeding with the process of disarmament, demobilization, reintegration and repatriation, which will help to broaden the scope of humanitarian assistance and, at the same time, ensure the provision of assistance to the Congolese provinces that are in need. My delegation reaffirms that we must guarantee the safety and security of all those who work in the humanitarian assistance field and under the auspices of MONUC and must shield them from harassment.

We express our concern at the human rights violations, the indiscriminate killings, the deterioration of the security situation and the situation of displaced persons, and the food shortages experienced by a third of the Congolese population, particularly in the Ituri region and in neighbouring areas. We express our grave concern at the increase in the number of displaced persons as a result of the hostilities.

It is essential to stress the importance of cooperation with the various United Nations agencies and programmes, with the World Bank and with other donors. We call upon the donor community to consider providing assistance soon, so that we can alleviate the suffering of this country's people. We encourage the inter-Congolese dialogue and the finding of a proper solution to the distribution of Government posts so that the Government will represent all Congolese parties and will be able to meet the people's expectations, to establish an all-inclusive national army and to extend the Government's authority throughout the country.

We praise the efforts of African countries to find a solution to the Congolese crisis, particularly the efforts of the South African leadership.

In conclusion, we express our appreciation for the efforts of the Special Envoy of the Secretary-General, Mr. Moustapha Niasse, of the Special Representative of the Secretary-General, Mr. Namanga Ngongi, and of MONUC.

Ms. Menéndez (Spain) (*spoke in Spanish*): We thank Mr. Guéhenno and Mr. Vieira de Mello for today's briefings on the question of grave human rights violations, which my delegation, like previous speakers, considers deserving of condemnation. We hope that the facts will be investigated and that those who are guilty will be brought to justice. Moreover, last month's events in Ituri are proof of the enormous challenges that the peace process still faces in the Democratic Republic of the Congo, and of the need for the parties to the conflict and the international community to resolve to promote and assist it.

We have two questions to ask. The first is for Mr. Vieira de Mello. After his visit to the Democratic Republic of the Congo and the interviews that took place there, what, in his opinion, are the principal measures that the future transitional Government will have to take in order to put an end to the current human rights situation in the country, which he himself has described as catastrophic?

Another question: on repeated occasions, we have confirmed that one of the problems in the eastern part of the Democratic Republic of the Congo is access to the most vulnerable populations. I should like to know whether Mr. Vieira de Mello has any idea as to how we could improve humanitarian access to the civilian population, which suffers most harshly from the consequences of armed conflict.

Mr. Belinga-Eboutou (Cameroon) (*spoke in French*): Like previous speakers, we would like to thank Mr. Guéhenno and Mr. Vieira de Mello for the very instructive briefings that they just presented on the situation in the Democratic Republic of the Congo — one on the general situation with regard to peace and security and on the activities of the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC), and the other on the humanitarian situation.

My delegation is gravely concerned at the continuing deterioration of the situation in the north-east of the Democratic Republic of the Congo, particularly in the Ituri region. Despite the power-sharing agreement concluded in Pretoria on 17 December 2002 among the various Congolese parties, fighting has continued among various rebel movements and armed groups. Those clashes have claimed many victims, especially among civilians, and have caused major population movements. Many Congolese have thus left their homes to gather in camps, and others are refugees in neighbouring countries.

Today, the population of Ituri is experiencing a real tragedy, faced as it is with massive human rights violations. There has been talk of massacres and of rape on a major scale; there has been talk of pillaging and of ethnic cleansing. The report mentions certain atrocious practices that are difficult to name or even to imagine today. This situation is unacceptable, and those who are found guilty of such acts must answer for them. Impunity is unimaginable; it is unthinkable. My delegation therefore welcomes measures that have been taken to bring to justice some of the culprits. This process must be continued and strengthened so that justice can be done for the victims of these unspeakable acts.

The precariousness of the situation of refugees and of displaced persons is particularly accentuated by the difficulties experienced by humanitarian organizations in reaching those populations because of the lack of infrastructure, and particularly because of the climate of insecurity. We call upon the international community to intensify its efforts to come to the assistance of these populations in distress.

Similar efforts must be undertaken for the population of the region of Yumbi, in the west of the Democratic Republic of the Congo, which fell victim to a violent tornado on 2 February that claimed many victims and caused severe physical damage. Although the estimate of casualties has been revised downwards, the populations of the region still have an acute need for urgent assistance from the international community.

Finally, my delegation would like to stress the need for the various protagonists of the Congolese tragedy to respect the commitments that they have undertaken. In that way, they will enable the country to find peace and prosperity for its populations and for all in the Great Lakes region. In this respect, we welcome the recent meeting at Dar es Salaam between President Joseph Kabila and Yoweri Museveni and the commitments they undertook on that occasion to promptly set up the commission on the pacification of Ituri and to create a standing mechanism for consultation that will enable them to consult on a regular basis in order to maintain a climate of confidence and peace between their countries.

Previous speakers have already raised several other questions my delegation wished to ask. However, I would like to ask High Commissioner Vieira de Mello for clarification about measures which the international community might take to ensure that those responsible for the atrocities committed in the Democratic Republic of the Congo will not go unpunished. Naturally, we support the idea of creating an international commission of inquiry. However, we would like to know the views of the High Commissioner on taking the matter to the International Criminal Court or creating a special jurisdiction to investigate these mass violations of human rights.

Mr. Vieira de Mello shared with us elements of his detailed report on the violations of human rights in the Democratic Republic of the Congo. Cameroon would like the Council to receive that report in order to have a more in-depth review.

The President: I will now make a statement in my capacity as the representative of Germany.

First, I would like to thank Mr. Guéhenno and the High Commissioner for Human Rights for their comprehensive and very timely reports. The reports speak for themselves. The human rights situation in the Democratic Republic of the Congo, particularly in the rebel-controlled areas, is appalling. We fully support the conclusions that the High Commissioner has drawn and will take them into account when we assess how to best support the peace process in the Democratic Republic of the Congo.

The report we have just heard stresses two key factors that can contribute to the devastating human rights situation and the lack of progress in solving the conflict: one is the culture of impunity, and the other is the link between the plundering of natural resources and continuation of the fighting. Let me add a third factor that fuels the conflict.

The Council has repeatedly highlighted the continuing supply of arms to the belligerents by all parties to the conflicts, both Congolese and foreign. Unless we succeed in stopping the arms flow to the eastern Democratic Republic of the Congo, we will not have a durable stabilization of the entire Great Lakes region, and the Congolese population will be victim of yet more abuse and atrocities.

Impunity should not be granted to gross human rights violators, not even for the sake of integrating high-ranking officials in institutions of the transition period, as part of the peace and reconciliation process. Perpetrators should be brought to justice, all the more if they belong to military or governmental institutions. Against this background I would like to ask Mr. Vieira de Mello, as well as the Secretariat, if, in their view, there is a genuine readiness by any of the parties to bring the perpetrators of human rights violations to justice.

My second question concerns the situation of vulnerable groups, women and children in particular. The High Commissioner has already clearly pointed out that gang rapes and other forms of sexual violence against women and girls are used as tools of warfare. Germany has also received disturbing reports on the recruitment of child soldiers, some as young as nine years of age. Is there any chance to identify, not only the perpetrators, but also the political and military leaders who provide political coverage for such repugnant violations of human rights?

Also, in view of Security Council resolution 1325 (2000), Germany would like to know about efforts to strengthen the gender perspective in the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC), especially with a view to the DDR process in the Democratic Republic of the Congo.

Finally, I have two suggestions. I believe access to clearer information on the human rights situation in the different rebel-controlled areas would be useful for the Council's future deliberations. We are especially interested to learn of the current situation in Kisangani and other areas controlled by the RCD.

My second suggestion pertains to the comprehensive report mentioned by the High Commissioner at the beginning of his briefing. I think it would be useful to make this report available to all members of the Security Council.

Resuming now my function as President of the Council, I would be well prepared to distribute this report as a document of the Council.

I now call on the representative of the Democratic Republic of the Congo.

Mr. Ileka (Democratic Republic of the Congo) *(spoke in French)*: Allow me first of all to say how pleased I am, Mr. President, to see you leading the Security Council during this month of February. I am certain you will discharge your noble mission with dedication and success. Allow me also to congratulate your predecessor, the representative of France, for the skill and competence with which he discharged his weighty task during his presidency for the previous month.

I am grateful to you, Mr. President, for your excellent initiative in convening this important meeting of the Security Council, which has allowed us to hear two statements on the situation in the Democratic Republic of the Congo.

I would also like to thank Mr. Jean-Marie Guéhenno, Under-Secretary-General for Peacekeeping Operations, for his important and precise briefing on the general situation prevailing at this time on the ground. I hope that in two weeks time, when he reports to the Council again, we will have encouraging information which will help the peace process in my country make further progress.

I would also like to pay well-deserved tribute to Mr. Sergio Vieira de Mello, High Commissioner for Human Rights, for his report to the Council. I thank him and the members of the Council for having denounced the massacres and serious atrocities and serious and flagrant mass violations of human rights and international law, perpetrated with complete impunity by the troops of the Rwandan Patriotic Army and the Ugandan army, and also those armed troops affiliated with them, whether or not they signed the Lusaka Agreement and other, subsequent peace agreements.

I hope the Security Council will make it possible for the written report of the United Nations High Commissioner for Human Rights, and also that of the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) on the Ituri events, will be made public and distributed as official documents of the Council.

This new denunciation of atrocities that revolt the human conscience and that include thousands of murders, infanticides, rapes of women and children, tortures, persecution of those fighting to defend human rights comes after many reports from non-governmental organizations, such as Human Rights Watch, Amnesty International and the International Rescue Committee, and also from United Nations organs such as the United Nations Office for the Coordination of Humanitarian Affairs — with which the High Commissioner is well acquainted, since he headed it — and also from the European Office for Humanitarian Assistance.

Members of the Council know the figures. The number of peaceful Congolese civilians who have been massacred can no longer be counted. There have been many outright acts of barbarism and savagery. I would merely recall the particular horror of Mwenga, where 15 Congolese women were buried alive by Rwandan troops. I would also recall Makobola, in the province of South Kivu, where, from 30 December 1998 to 1 January 1999, more than 600 people were horribly murdered. These massacres join a long list of massacres committed against the peaceful people of the Congo in Kavumu, Kasika, Lubarika, Uvira and elsewhere.

How can we forget the protracted martyrdom of the city of Kisangani, where Rwanda and Uganda thrice clashed on the territory of the Democratic Republic of the Congo, bombing populated areas, claiming thousands of innocent victims and destroying most of the infrastructure? How can we forget that, on 14 and 15 May 2002, a pogrom was observed by the international community, which did not come to the assistance of the endangered population of Kisangani? The authors of these despicable acts, who were mentioned in the report of the High Commissioner for Human Rights in document S/2002/764, still enjoy freedom of movement and some are even preferential interlocutors with the international community.

Finally, need I recall Ituri? That much-coveted area of the Democratic Republic of the Congo has seen clashes between Lendus and Hemas, two large ethnic groups that have always lived in peace, but who massacred each other at the instigation of the authorities and occupying troops of Uganda. Early this year, Ituri made the headlines because of serious events, recalling practices of earlier centuries, that attained such a degree of gravity and horror that certain authoritative voices did not hesitate to describe them as genocidal.

No one can ignore the fact that the vast majority of victims are civilians, particularly the most vulnerable among them: women and children. These have been attacked physically and have suffered many humiliations, including repeated rape as a tactic of war, with its corollary, the deliberate spread of HIV/AIDS. We are experiencing a true tragedy, despite the denunciations read in numerous reports published by my Government and heard at countless meetings of the Security Council, the principal organ responsible for the maintenance of international peace and security.

The situation of human rights and international humanitarian law in the Democratic Republic of the Congo is a source of constant concern to my Government. That is why, in his inaugural speech on 26 January 2001, the Head of State, Major General Joseph Kabila, stressed the need to strengthen the rule of law, to consolidate democracy and good governance, to guarantee human rights and to promote legal and judicial security.

Despite the state of war that led to the strengthening of the emergency regime, it should be noted that the Government has striven in all circumstances to preserve the central, untouchable core of human rights. On every occasion, the Democratic Republic of the Congo has stressed its devotion to human rights and to international humanitarian law, in accordance with its international obligations to respect, promote and protect human rights and to support the consolidation of the rule of law.

Moreover, the dissemination of a culture of human rights and the popularization of the basic concepts of international humanitarian law have greatly contributed to the prevention of serious violations in the part of the territory under the Government's control. We are grateful to the High Commissioner for Human Rights and to the Special Rapporteurs for

human rights who have recognized that fact in their various reports on the human rights situation in my country.

In last year's report on the work of the Organization, Secretary-General Kofi Annan said, inter alia, that

> "the United Nations role in peace and security remains an essential part of its global responsibilities. Conflict prevention is of critical importance and requires a comprehensive understanding of the underlying causes and dynamics of violent conflict. The Organization's authority as a credible instrument to prevent conflict depends on its capacity to address the root causes of deadly conflict". (*A/56/1, para. 6*)

Moreover, as regards the headlong rush for my country's wealth, the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo established a link of cause-and-effect between that phenomenon and the pursuit of aggression. We should also note that one of the direct causes of the unfortunate human rights situation is the denial of justice. My Government, here in the Security Council and before other bodies, has tirelessly deplored the denial of justice to the thousands of Rwandan victims of genocide and of other serious violations of international humanitarian law and, ultimately, to the millions of Congolese men and women killed in the war of aggression.

The demand for justice is an integral part of any lasting peace. It is essential that we address the question of impunity and that we break its vicious circle. In this respect, the message sent by the international community and the Security Council lacked clarity. If the Security Council had had the political will fully to implement its own resolutions on the situation in the Democratic Republic of the Congo, we should never have had to deplore the repeated massacres of Congolese civilians. If the Security Council had seriously implemented its own resolutions, certain individuals, actors and parties would not have continued to view the multiple violations of human rights and of international humanitarian law as benign. This feeling of impunity was certainly not lacking in those who committed the atrocities in Ituri, the culmination of a nameless horror that has continued to grow.

As stressed in the Proclamation of Teheran adopted at the International Conference on Human Rights in May 1968, aggression and armed conflict constitute massive denials of human rights. The time has come for the Council to say that the deterioration of the human rights situation in the Democratic Republic of the Congo has exceeded the bounds of the acceptable and the tolerable. The Council should seriously address the mass violations of human rights and international humanitarian law that have occurred in my country since the beginning of the aggression. It must also display unanimous and genuine will to achieve progress in the regional peace process and to put an end to the plundering of the country's wealth.

In order to do this, it must emphasize the need to consolidate and conclude the peace process under way, particularly through its unreserved support for the comprehensive, inclusive agreement on the political transition in the Democratic Republic of the Congo, signed in Pretoria last December. This framework can establish the preconditions for national representation confirmed by effective electoral procedures and give the country a national consciousness that will allow it to enjoy democracy without the anarchy that destroys freedoms and in respect for the fundamental freedoms of the citizenry.

The comprehensive agreement should soon be adopted formally at the final meeting of the inter-Congolese dialogue. It would send a strong signal to the international community if that meeting were to be held on the territory of the Democratic Republic of the Congo. Far from the hotels and palaces of Sun City, Pretoria or Kinshasa, the city of Kisangani, given its weighty symbolism, would be the best place for that meeting. Kisangani is in fact the crucible of all the major calamities that have swept over our country following its accession to national sovereignty.

That city has paid a heavy price throughout the war years. Many Congolese in that city and in Orientale province have been cruelly tested emotionally, morally and physically. Many sons and daughters of the city who were our relatives and friends have been torn from life in the various convulsions of violence, wars within wars of aggression which the aggressors have inflicted on us.

Holding the final meeting of the inter-Congolese dialogue in Kisangani would be a sign of solidarity; a fresh tribute to the memory of the Congolese and

foreign victims of armed aggression; and testimony to the concern of the international community when wounds will have to be healed, misery eased and the ruins rebuilt which the war of aggression strewed throughout Orientale province.

What do we have the right to expect from the international community in general and from the Security Council in particular? Mr. Vieira de Mello gave us some clear signs today. My Government fully supports his conclusions, and we express the hope that the recommendations of the High Commissioner for Human Rights will be followed by the Council.

My Government would also like to thank the Security Council for having continued to exert pressure on all the parties to the conflict, whether or not they signed the Lusaka Agreement, to respect human rights and international humanitarian law, ensure the protection of civilians and put an end to impunity.

My Government believes, however, that the Security Council could take further action, for example by encouraging all neighbouring countries to bring their influence to bear on the armed groups that they created so as to ensure that they respect their obligations with regard to human rights and international humanitarian law, including ending the persecution of those fighting in defence of human rights.

The Council could also call for and obtain the full, unconditional and verified withdrawal of the troops of aggression, in conformity with the relevant Council resolutions; their presence on Congolese territory is the root cause of the suffering of our people and of the nightmare through which they have been living. Finally, after having ensured that all the parties are committed to a comprehensive and inclusive agreement, the Council must support such an agreement and the political transition arising from it.

A change in the mandate of MONUC is thus necessary. It should shift immediately from simple observation to peacekeeping during the transition period — a period of fragility, rife with a potential for danger that should not be underestimated. The new ceiling authorized for the military personnel of MONUC who will undertake that task should be reached as soon as possible. Likewise, a major increase in civilian personnel, including observers and human rights experts, would be desirable so as to enable MONUC effectively to carry out its support policies.

In order to put an end to the cycle of violence and the culture of impunity that have taken up residence in my country, my Government calls on the Security Council to devise ways in which the protection of civilians in the Democratic Republic of the Congo can be effectively ensured. Such means could include strengthening the rule of law and the administration of justice and the creation of mechanisms by which all those responsible for human rights violations and war crimes could be made to answer for their actions.

The Security Council must fully assume its responsibilities and set up an international criminal tribunal capable of tracking down and punishing those responsible for the massacres committed in the territory of the Democratic Republic of the Congo. In the absence of such a tribunal, the Council could opt for a special criminal court based on the Sierra Leone model or on that now being developed for Cambodia. Its competence would extend to the area under occupation — an occupation that is completely illegitimate. Such a tribunal must avoid making a mockery of justice, as is about to happen in Gbadolite, in the north of my country.

With regard in particular to the acts of cannibalism committed recently in Ituri, the Democratic Republic of the Congo has the right, as a State party to the Statute of the International Criminal Court, to resort first of all to the competence of its own national tribunals, in accordance with the principle of complementarity. Before it can do so, however, it will have to wait for the draft law on the implementation of the Rome Statute to be accepted by our parliament and promulgated by the President of the Republic and for the completion of the process currently under way to reform the institutional system. My Government thus reserves the right to go before the International Criminal Court, which should not only prosecute and bring to justice those responsible for the most serious crimes, including the acts of cannibalism, but also to decide on compensation for the victims of those horrific acts.

The Congolese people demand just and equitable reparations for the damages suffered. Paragraph 14 of resolution 1304 (2000) provides the legal basis for the Security Council to intervene, in that it calls on Uganda and Rwanda to make reparations for the loss of life and the property damage inflicted on the town of Kisangani.

In the same vein, and to avoid the possibility of calling into question the whole of the peace process, the Council would benefit from applying all measures authorized by the Charter, in particular under Articles 39 to 42, against recalcitrant parties — whether or not they have signed the Lusaka Agreement — that are not fully complying with the relevant provisions of the Council's resolutions. Only thus can we hope to reach the immediate objective of a return to lasting peace for my country and for the entire Great Lakes region.

In conclusion, it will also be important for the Council to be able to deal with the Congolese question in the context of an appropriate post-conflict response. Once again, my delegation stresses the need to convene an international peace conference on peace and security in the Great Lakes region as a peaceful way of fostering peace and understanding in the region. Through a frank and sincere dialogue, it will be possible to restore good-neighbourly relations, re-establish peace and create conditions favourable for the administration of justice, as well as for economic and social development.

The Democratic Republic of the Congo and its people expect a prompt and responsible reaction from the Security Council, which cannot shirk its responsibilities without risk of seeing its credibility undermined in the eyes of the Congolese people.

The President: The next speaker inscribed on my list is the representative of Rwanda. I invite him to take a seat at the Council table and to make his statement.

Mr. Muvunyi (Rwanda): I thank you, Mr. President, for having convened this meeting to consider the situation concerning the Democratic Republic of the Congo.

The Government of the Republic of Rwanda fully supports the return of peace and security to the Great Lakes region as a whole and, in particular, to the Democratic Republic of the Congo.

I would like to thank Mr. Jean-Marie Guéhenno, Under-Secretary-General for Peacekeeping Operations, for his briefing. I also welcome the briefing by Mr. Vieira de Mello, the United Nations High Commissioner for Human Rights.

Rwanda would like to ask some questions. Mr. Guéhenno said that Rwanda supports the Union des patriots congolais; that is not true. He said that there might be confrontations with Uganda. That, too, is untrue.

As for the representative of the Democratic Republic of the Congo, all of his allegations are always baseless — Rwanda has left the Democratic Republic of the Congo. The international community, including the members of the Security Council, know that Rwanda went to the Democratic Republic of the Congo because it had always been a base for negative forces. Such forces have been operating there with support from the Democratic Republic of the Congo, and they are a real threat — not only to the population of the Democratic Republic of the Congo but also to the security of neighbouring countries, especially Rwanda, Burundi and Uganda.

That is why Rwanda appreciates the good job that has been done by the Red Cross, the Office of the United Nations High Commissioner for Refugees, the United Nations Children's Fund and other non-governmental organizations, which have been giving aid to the displaced people of the Democratic Republic of the Congo.

I and my delegation strongly condemn the violation of human rights in the Democratic Republic of the Congo, especially the cannibalism which has taken place in the region of Ituri.

We request the Government of the Democratic Republic of the Congo to implement fully the peace agreement signed in Lusaka, in Pretoria and in Angola in order to achieve peace and security in the Great Lakes region. It is in conformity with the implementation of those agreements that the Government of Rwanda requests that the Security Council exert its influence on the Government of the Democratic Republic of the Congo, all armed groups and civil society to put in place an all-inclusive Government which will address the human rights situation in the country and stabilize it in the interest of all Congolese citizens. The transitional institutions will solve the chronic problems of the Democratic Republic of the Congo, which have persisted for the past 40 years, characterized by corruption, insecurity and misrule, and will address the security concerns of neighbouring countries, namely Rwanda, Burundi and Uganda.

I take this opportunity to dismiss all of the alarming information of 31 January 2003, spread by the United Nations Organization Mission in the

Democratic Republic of the Congo (MONUC) and the Permanent Representative of the Democratic Republic of the Congo. It is indeed a well-known fact that the Rwandan Defence Forces made a total withdrawal from the Democratic Republic of the Congo on 5 October 2002. That was confirmed a few days later by MONUC itself and by the third-party verification mechanism. Rwanda condemns rumours and unconfirmed reports spread by alarmists in order to tarnish the image of my country. Let me conclude by requesting members of the Security Council not to give credit to such baseless allegations.

The President: I shall now give the floor, first, to Mr. Guehenno and then to Mr. Mello to respond to comments and questions raised.

Mr. Guéhenno: Several delegations share the concern of the Secretariat on the situation in the north-east. As we reach the conclusion of this briefing, I just want to reiterate how important it is that there be no outside interference in a situation that is extremely volatile and dangerous. We would hope that all neighbours that can help would encourage the parties to work with the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) to put in place mechanisms for the pacification of Ituri. Of course, the meeting that took place at the initiative of the President of Angola was a very important step in that direction. We have to continue the efforts in that direction. Otherwise, the situation in that part of the Democratic Republic of the Congo could get worse.

Several delegations asked about how MONUC could strengthen its role in the protection of civilians and access to civilians. Indeed, ultimate responsibility for the protection of civilians will remain with the parties. I do not see how it could be otherwise, considering the size of the country and the problems at hand.

At the same time, it is clear that the presence of MONUC is a reassuring presence wherever it is seen. In that respect, I would remind the Council that at the moment we have approximately 4,400 uniformed personnel in that big country. We are moving as many assets as we can towards the sensitive areas in the east. We would like the task forces to be in place as soon as possible. Those task forces will be all the more effective as they will be strong and mobile. In that respect, I would remind the Council that we are still looking for one small unit of attack helicopters, which will considerably enhance the operational capabilities of those task forces.

Several delegations asked about how we can strengthen our action in human rights. Sergio Vieira de Mello will answer that in greater detail than I can. But I would like to say that, as far as MONUC is concerned, the first effort is to observe wherever we can. I think that putting the searchlight of the international community in as many places as possible in the Democratic Republic of the Congo is important as a deterrent. We have developed multi-dimensional teams that combine human rights officers, civilian police and child protection officers. I think those teams can play a useful deterrent role.

As many Council members have noticed, children and women are particularly in need of protection. In that respect, I am pleased to report that the collaboration of MONUC with UNICEF, for instance, in taking care of child combatants who are being disarmed, is very effective because it is of critical importance that children have good reintegration programmes. Some reintegration programmes have been put in place, some of them with the support of the Government of Norway. We are very grateful for that. That kind of effort is of great importance — so that children who are demobilized do not go back to the army after being demobilized from one of the armed groups. We have to think of the long term.

Likewise, for women, it is important to take the gender dimension into consideration as we organize disarmament, demobilization and reintegration programmes. The Office of Gender Affairs in MONUC is working precisely to that effect so that the disarmament, demobilization and reintegration centres that we are establishing, such as the one already being established in Lubero, take that dimension into consideration.

The specific question of the role of the international community with respect to the trial being organized by the Mouvement de libération congolais (MLC) was raised. We fully understand and share the view of the High Commissioner that, indeed, we cannot through our actions sanction a tribunal that is a de facto tribunal. So, we have to reconcile that principle with the need to report and to know what is happening. We will be discussing with the Office of the High Commissioner for Human Rights how to reconcile those two important concerns: concern for that

principle and at the same time the need for MONUC to be an effective eye for the international community so that we know what happens everywhere.

The question was asked by you, Mr. President, in your national capacity, what is the political will of the leaders to bring perpetrators to justice? I think that the political process that is developing can be an important instrument. The political process should not be an incentive for political leaders to attempt to establish new positions on the ground so as to strengthen their hand in the political process. It has to be exactly the opposite. There has to be an incentive for the political leaders to build legitimacy and therefore to have behaviour that is compatible with their future role in the Democratic Republic of the Congo.

In that respect, looking at the future, the way the transitional authorities address the issues of human rights and justice is of critical importance. Already, we are discussing with the Office of the High Commissioner for Human Rights how exactly MONUC could support that process. We see the immensity of the task at hand. It will require accountable police and accountable military forces that are a reassurance for the people and not a threat. It will require a functioning justice system. It will also require effective investigations so as to be able — as you asked, Sir — to identify those who have committed crimes. MONUC has some information, but we need more if there is to be accountability, an end to the culture of impunity that was denounced by so many of you around this table.

The President: I thank Mr. Guéhenno for the clarification and the comments. I now give the floor to Mr. Vieira de Mello.

Mr. Vieira de Mello: Completing what my colleague Jean-Marie Guéhenno has just said, in answering specific questions addressed to me let me first of all thank all the members — and yourself, Mr. President — for the unanimous support that you have given to human rights protection and to justice and the rule of law in the Democratic Republic of the Congo as fundamental pillars of the durable peace process which we all hope is in motion in that country — as anywhere else, needless to say.

The representative of Pakistan — and here I will also be answering questions put to me by the representatives of Bulgaria, the United Kingdom and Spain — asked how we can secure such objectives. I presume he meant in the short to medium term. Well, you have all answered by stating that peace is a pre-condition for peace to be truly achievable, and therefore the Pretoria Agreement must be implemented by all the parties to the inter-Congolese dialogue. Neighbours must also fully contribute to this. The Ituri peace commission agreement that was recently reached between President Kabila and President Museveni could serve as a test.

As Mr. Guéhenno has just said, MONUC and my Office will continue to work in total cohesion, but for them to be more effective they must receive a clear mandate and the means for the implementation of all the human rights-related provisions in the Pretoria Agreement. This was clear in some of your statements, as well as in what Mr. Guéhenno has just said. Many such provisions are obvious, in different articles of that agreement; others are implicit. Certainly here the task is immense. With a clear mandate, we can achieve a great deal, provided the parties fully cooperate.

I would also add, as I did in my statement, that suspects who have been clearly identified and who I name in my report must be suspended from their military duties and must be arrested. The early establishment of a transitional, special jurisdiction — the nature of which is not for me to suggest, but I will come back to that when I answer the questions from the representative of Cameroon — to tackle the many gross violations of human rights over the years — on the basis of evidence provided by ourselves, MONUC, other sources, and a possible special commission of investigation — is clearly another means of achieving these goals. The truth and reconciliation commission is essential, in my opinion, as part of this new justice structure in the Democratic Republic of the Congo.

Finally, I would say on this question that we must demand that all the parties allow humanitarian agencies access to populations in need. In my opinion, this is not a negotiable matter. As I said, this is not possible at present, particularly in rebel-controlled areas and in trans-boundary activities between rebel-controlled areas.

(*Spoke in French*)

Answering the questions from the representative of France, I wish to inform him that the special rapporteur for the Democratic Republic of the Congo will, on 27 February, start a 12-day trip to visit Kinshasa, Kisangani, Gbadolite and Goma. As for the other special rapporteurs referred to by the

representative of France, there is indeed a request by the Commission on Human Rights which goes back to 1997, that the special rapporteurs for summary executions and for the Congo and for the Working Group on Disappearances go together to the Democratic Republic of the Congo. But that has not yet been possible, for security and financial reasons. I do not have the funds necessary to finance such a mission. But, obviously, I hope that improvement in the situation on the ground, and the implementation of the Peace Agreement, will make it possible to send this mission as soon as possible.

(*Spoke in English*)

The representative of the United States asked if my Office had been requested by the parties to offer advice and technical assistance on the creation of new institutions under the Pretoria Agreement. The answer is that I did not receive such a request, but I certainly made the offer to all of them, and in no uncertain terms I repeat that offer here today. I believe Mr. Guéhenno has answered the second question, regarding the present and future role of MONUC.

On the question of the military court to be established by the MLC in Gbadolite,the United States expressed disappointment that my Office cannot help. I think Mr. Guéhenno has indicated that we must be flexible, for reasons that I certainly understand in terms of monitoring the proceedings of that court, and in terms of acknowledging the willingness of Mr. Bemba to accept responsibility for the actions of his military forces on the ground. However, as far as my Office is concerned, I would find it difficult to observe the proceedings of a military jurisdiction that is established by a rebel movement, which therefore lacks legitimacy. I fear that if we were to do so — I am speaking for my Office now — we might lend credibility and validate those proceedings, which I do not think is within my competence.

I was also asked whether there had been any follow-up action by the RCD-Goma to calls made by my predecessor, and indeed by this Council. What I can report is that the RCD leadership promised to prosecute all suspects. According to the chief of its department of external relations, the trials would be open and suspects would have the right to defend themselves. On 27 December the Conseil operational de guerre, meeting in Kisangani, had a short trial of a small number of military and police officers alleged to have masterminded the massacres of 14 May 2002. Quite apart from the questionable legitimacy of such courts and proceedings, the list of the accused did not include any of the well-known high-ranking military officers that eye-witnesses and human rights groups had identified as having directed or led the massacres. Nor did it include any high-level civilian officials. Instead, those arraigned were mostly persons accused of genocide or attempted genocide or incitation to ethnic hatred in connection with the killing of a small number of Rwandans in the early stages of the events. As I said, I have provided the names of those high-ranking military officers to the RCD leaders with whom I met in Kisangani last January.

Turning now to questions put to me by other members, in particular by the representative of Spain —

(*Spoke in Spanish*)

She asked how to get access to the vulnerable populations. I think the answer is simple, but it is difficult to implement. The first element is cooperation by the parties, especially by the rebel movements, so that they allow access by the humanitarian organizations under conditions of security for their workers. Secondly, if possible, there should be a mandate and a greater capacity on the part of MONUC to provide military protection to our colleagues from the humanitarian agencies.

(*Spoke in French*)

The representative of Cameroon asked what measures could be taken by the international community so that those responsible for these many abuses will not, or no longer, enjoy impunity. First, we spoke of an international commission of inquiry. The second step is to establish a special jurisdiction during the transition phase, which I think is absolutely possible and desirable. The third is something referred to by the representative of the Democratic Republic of the Congo himself, which is creation of a jurisdiction similar to that which now exists in Sierra Leone.

Lastly, the representative of Cameroon asked me what I thought about bringing cases to the International Criminal Court (ICC). This is possible in that the Democratic Republic of the Congo has ratified the Rome Treaty, and therefore it could bring matters before the ICC if it wished to do so. In any event, the establishment of a commission of truth and

reconciliation seems to me to be part of the range of measures that are desirable in order to put an end to the climate and culture of impunity.

As requested by the representative of Cameroon and the Council President, I will make the written report available to the Council as soon as possible.

(*Spoke in English*)

Finally, with regard to your question, Mr. President, as to whether the parties are ready to bring the perpetrators to justice, Mr. Guéhenno has already answered that. On the basis of my own contacts on the ground, I believe that at present, the Government and the MLC seem to be prepared to do so. I am still awaiting, as I said, a clear, tangible and credible reply from the RDC-Goma. I have not had any contacts with the Union des Patriots Congolais and therefore I cannot tell you whether they are prepared to do so or not.

Your last question was whether there is any chance of identifying those political leaders who provide cover for violence against women or the exploitation of children, in particular with regard to their respective war efforts. I believe the answer to your question is yes, Mr. President.

The President: I thank Mr. Vieira de Mello for his clarifications and comments.

There are no further speakers inscribed on my list. The Security Council has thus concluded the present stage of its consideration of this item on its agenda.

The meeting rose at 5.55 p.m.